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DELTA AIR LINES, INC.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14

15 MARVIN TOLEDO, an individual, on behalf of
himself and all other similarly situated non-
16 exempt current and former employees,

17 Plaintiff,

18 vs.

19 DELTA AIR LINES, INC., a Delaware
corporation; and DOES 1 through 50, inclusive,

20 Defendant.
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Case No. 3:22-cv-00081-AMO

**DEFENDANT DELTA AIR LINES
INC.'S NOTICE OF PENDENCY OF
OTHER ACTION [L.R. 3-13]**

PLEASE TAKE NOTICE that pursuant to Northern District of California Civil Local Rule 3-13, Defendant Delta Air Lines, Inc. (“Defendant” or “Delta”) hereby provides notice that this case involves all or a material part of the same subject matter as the following other action: *James Smith v. Delta Air Lines, Inc.*, USDC, Central District of California, Case No. 2:25-cv-04930- DSF-AS (the “*Smith* Action”).

1. Description of the *Smith* Action

In the *Smith* Action, the plaintiff, a former hourly employee of Delta in California, has brought claims on behalf of himself and other hourly employees in California alleging that Delta violated California’s wage and hour laws by failing to pay wages, failing to provide meal periods, failing to authorize and permit rest breaks, failing to timely pay final wages at termination, and engaging in unfair business practices. The *Smith* Action is a putative class action that was filed against Delta on April 22, 2025, in the Superior Court of the State of California, County of Los Angeles. Delta removed the *Smith* Action to the USDC, Central District of California, on May 31, 2025, where the case is currently pending.

2. Operative Complaint in the *Smith* Action

Attached as **Exhibit 1** is a copy of the operative complaint in the *Smith* Action.

3. Brief Statement Regarding the Relationship of the Present Case to the *Smith* Action

(A) The *Smith* action is pending in the USDC, Central District of California. A Scheduling Conference is set for July 7, 2025 at 11 am.

(B) The instant action fully encompasses the claims and putative class asserted in the *Smith* Action. As in the *Smith* Action, the named plaintiff in the instant action, Marvin Toledo, is a former hourly employee who worked for Delta in California and who seeks to represent other current and former hourly employees as part of a putative class action. The claims for relief pled in the *Smith* Action are also pled here. Specifically, both actions plead claims under California law for failure to pay wages, failure to provide meal periods, failure to authorize and permit rest breaks, failure to timely pay final wages at termination, and unfair business

1 practices. The instant action was filed on December 3, 2021, which means it predates the *Smith*
2 Action by about 3.5 years since it was filed on April 22, 2025. As such, the putative class of
3 hourly employees in this action, which runs from December 3, 2017 through the present, fully
4 encompasses the putative class in the *Smith* Action, which runs from April 22, 2021 through the
5 present. For these reasons, this action involves all of the subject matter in the *Smith* Action.

6 (C) Because this action fully encompasses the claims and putative class alleged in the
7 *Smith* Action, Delta intends to request that the plaintiff in the *Smith* Action stipulate to a stay of
8 the proceedings in that case.

9 (D) The *Smith* Action is not pending in state court.

10 Dated: June 9, 2025

MORGAN, LEWIS & BOCKIUS LLP

11 By: /s/ Andrew P. Frederick

12 Carrie S. Gonell

13 Andrew P. Frederick

14 Nicole L. Antonopoulos

15 Attorneys for Defendant

16 DELTA AIR LINES, INC.